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vided they tend to confirm the truthfulness of the confession. *Bergen v. People*, *supra*; *State v. Jacobs*, 21 R. L. 259, 43 Atl. 31 (1899).

(3) In some jurisdictions the question does not seem to have been clearly judicially decided as to whether corroboration is necessary at all. *Comm. v. Killion*, 194 Mass. 153, 80 N. E. 222 (1907); *Republic v. Tokuji*, 9 Haw. 548 (1894). In North Carolina it seems that a prisoner may be convicted upon his own voluntary and unbiased confession without other evidence, but in the case in which this doctrine was laid down there was corroborative evidence tending to prove the *corpus delicti*. *State v. Cowan*, 29 N. C. 239 (1847). An earlier case had held the contrary. *State v. Long*, 2 N. C. 455 (1797).

Many States have regulated the question by statute, usually adopting the majority rule. *People v. Jachne*, 103 N. Y. 182, 8 N. E. 374; 6 AM. & ENG. ENC. (2nd ed.), 582, n. 1.

It should be carefully noted that where the confession is infra-judicial no corroboration is of course necessary. *White v. State*, 49 Ala. 344 (1873); *Tong's Case*, Kelyng 18, 84 Eng. Rep. R. 1062 (1664).

Virginia seems to adhere to the majority rule. *Smith v. Com.*, 21 Gratt. 809 (1871).

INTOXICATING LIQUORS—ACQUISITION OF EVIDENCE—EVIDENCE HELD TO SHOW SEARCH BY STATE OFFICERS WAS UNDER DIRECTION OF FEDERAL OFFICERS.—Certain conferences were held between State police officers and federal prohibition authorities to obtain a closer co-operation between them in the enforcement of the prohibition law. The State officers were informed as to the evidence necessary in prosecutions under the prohibition law, and were instructed to turn persons arrested and the evidence obtained against them over to the federal authorities. But the federal authorities had no special knowledge or issued no special directions in each specific case. After these conferences had taken place the premises of the accused were searched by the State officers without a warrant, and property used in the manufacture of liquor was seized and turned over to the federal authorities. Application was made to suppress the evidence thus obtained. *Held*, application granted. *United States v. Falloco*, 277 Fed. 75 (1922).

Since the Fourth and Fifth Amendments to the Constitution, as limitations upon the use of evidence improperly obtained, apply only to federal officers, liquor in the unlawful possession of a defendant which is seized on a search by State officers without a warrant and without acting under the authority of federal authorities, is, notwithstanding its unlawful seizure, admissible in evidence on the trial of the defendant in a federal court. *United States v. O'Dowd*, 273 Fed. 600 (1921); *Weeks v. United States*, 232 U. S. 383, 34 Sup. Ct. 341, L. R. A. 1915B, 834, Ann. Cas. 1915C, 1177 (1914); *United States v. Burnside*, 273 Fed. 603 (1921); *Youngblood v. United States*, 266 Fed. 795 (1920). For similar reasons, the fact that private papers have been unlawfully seized by a private individual, without the knowledge or connivance of any officer of the federal government, and then turned over to the federal government does not prevent their being used in a criminal prosecution against the owner. *Burdeau v. McDowell*, 41 Sup. Ct. 574 (1921).

Formerly it was the established rule that papers unlawfully seized by an official of the United States, without a search warrant, could not be retained by the federal government to be used in evidence, when a seasonable application for their return was made before trial. *Weeks v. United States*, *supra*. This rule of practice requiring objection to the admission in a criminal case of evidence illegally acquired to be made before trial is now held inapplicable where the defendant first learns of the government's possession of his document when it is offered against him on trial. *Gouled v. United States*, 255 U. S. 298, 41 Sup. Ct. 261 (1921).

"The essence of a provision forbidding the acquisition of evidence in a certain way is that not merely evidence so acquired shall not be used before the court but that it shall not be used at all." *Silverthorne Lumber Co. v. United States*, 251 U. S. 385, 40 Sup. Ct. 182 (1920). But property lawfully seized under a valid search warrant may be used in the prosecution of a suspected person for a crime other than that described in the affidavit on which the search warrant is issued. *Gouled v. United States*, *supra*. And before it can be held that a waiver of Constitutional protection against unreasonable searches and seizures has been made, the court should be able to find that the intention of waiver is sustained by clear and positive testimony. *United States v. Lydecker*, 275 Fed. 976 (1921).

For an exhaustive note on the admissibility of evidence wrongfully obtained, see 136 Am. St. Rep. 135. For further discussion of the doctrine, see 1 VA. LAW REV. 70; 4 VA. LAW REV. 59.

**MONOPOLIES—COMBINATIONS IN RESTRAINT OF TRADE.**—Defendants, who were competitors and manufacturers of one-third of the hardwood lumber produced in this country organized themselves into an unincorporated association called the "Open Competition Plan". The purpose of the Plan was the dissemination of detailed knowledge by the members to each other of their business so as to establish "cooperative competition, not cutthroat competition"; and thus by information about prices, production, etc., to tend toward a harmony with the general market conditions. The Plan provided for a manager of statistics to whom each member sent a daily report of all sales actually made, with name and address of purchaser, kind and grade of lumber sold and all special agreements of every kind; a daily shipping report, etc.; a monthly production report, showing the production of the member reporting during the previous month with the grades and thicknesses classified as prescribed in the Plan; a monthly stock report, showing the exact nature of the stock on hand, etc.; and monthly price lists, showing prices f. o. b. shipping point, and new prices were filed with the Association as soon as made. Inspection reports were also made by a chief inspector appointed by the Association. It was also provided that the secretary of the Association should then send to each member a monthly summary, showing the production of each member for the previous month, subdivided as to grade, kind, thickness, etc.; a weekly report of all sales, giving each sale and price and name of purchaser; a monthly report of stock on hand; a summary of the stock, green and dry, sold and unsold; not later than the tenth of each month a summary of the price lists furnished by the members, showing the prices asked by each, and any changes therein were immediately trans-